IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8377 OF 2004

Dilip Baburao Parshare .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

Mr.B.G.Tangsali for petitioner
Mr.C.R.Sonawane, A.G.P. for State.

CORAM : A.P.SHAH AND

S.C.DHARMADHIKARI, JJ.

DATE : 21st OCTOBER 2004.

P.C.

1. Heard learned Counsel for parties.

2. Petitioner challenges an order passed by Respondent No.2 dated 2nd September 2004 by which revision application preferred by respondent No.6 herein has been allowed. It is directed by Revisional Authority that proclaimation be issued

as per priorities determined by respondents for allotment of Kerosene licence. In other words, petitioner's licence came to be cancelled and it was directed that fresh proclaimation be issued for appointment of delears to sell Kerosene in the concerned area as per the policy guidelines and piorities.

3. Respondent No.6 preferred the revision application before respondent No.2 challenging an order dated 24th June 2004, passed by respondent No.4 by which the decision to cancel petitioner's licence taken by the competent authority was set aside. The licence was restored on petitioner depositing the amount stipulated in the order.

4. It was contended by respondent No.6 before respondent No.2 in the Revision application that petitioner was not supplying Kerosene regularly to card holders. There were complaints about his rude behaviour. There were serious complaints from villegers and respondent No.4 overlooked all of them and restored petitioners' licence which was duly cancelled by District Supply Officer. In other words, the

order passed by respondent No.4 was challenged on the ground that it unduly interferes with the decision of the District Supply Officer, which is in public interest.

5. Respondent No.2 took cognisance of this revision application and after giving opportunity to parties, including petitioner, to make their submission and upon perusing the record concluded that there is substance in the complaint of respondent No.6. Respondent No.2 holds that the petitioner has been holding Kerosene licence for supply of Kerosene on retail basis within the village Nandgaon. On complaint received by residents and villegers action of suspending petitioner's licence was taken by Tahsildar, Nandgaon on 31st January 2001. To avoid inconvenience to card holders, the quota allowed to petitioner was transferred to respondent No.6 and respondent No.6 was distributing Kerosene. It appears that appeal was preferred by petitioner challenging this decision and matter was remitted back to the District Supply Officer. The District Supply Officer by an order dated 24th June 2004 restored licence of petitioner on

payment of security deposit.

6. In the opinion of respondent No.2, considering seriousness of complaints, the licence of the petitioner should not have been restored. Respondent No.2 has perused the records and concluded that there is no dispute that charges are serious. Such serious charges against retail licence holders like petitioner ought not to have been overlooked in public interest is the conclusion of respondent No.2.

7. After perusing the impugned orders as also the nature of complaints (page 23) against the petitioner, we are satisfied that revisional authority has rightly stepped in and directed cancellation of petitioner’s licence.

8. We cannot interfere with such a conclusion of revisional authority merely because another view is possible. Moreso, when we find that revisional authority after considering the entire record concluded that the case was serious enough for cancellation of licence. No perversity is disclosed in the order of

respondent No.2. There is no substance in the petition. The same is accordingly dismissed with no orders as to costs.

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